



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TRG  
Docket No: 5189-99  
1 November 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 14 September 1978 at age 17. You satisfactorily completed initial training and on 19 April 1979 you reported for duty at the Marine Barracks, Groton CT. During the period from 23 July 1979 to 17 December 1980 you received nonjudicial punishment on four occasions. Your offenses were two periods of unauthorized absence totaling about four days, dereliction of duty, and two instances of disobedience. A special court-martial convened on 1 April 1981 and convicted you of three absences from your appointed place of duty and five instances of disobedience. The sentence of the court included reduction in grade to PVT (E-1), forfeiture of pay totaling \$668 and confinement at hard labor for two months.

The discharge package is not filed in your record. However, the record shows that on 16 June 1981 Headquarters Marine Corps reviewed your case and directed discharge for misconduct with the type of discharge warranted by your service record. Since your average mark in conduct was only 3.7, a general discharge was the characterization warranted by your record. Accordingly, you were

issued a general discharge on 22 June 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that hazing was a common practice at your command. You contend, in effect, that the physical abuse and humiliation caused you to lose respect for your superiors. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct and low average mark in conduct. The Board concluded that the general discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director